

sponsible party, and every view of the subject which urges the personal responsibility of McLeod, in effect exonerates the Government of Great Britain from all blame, and, although she voluntarily assumes the responsibility, very kindly absolves her from it, against her will.

In connection with the preceding view of the subject, it may be added, that the question of the right to enter upon our territory is a public question. It arises between independent nations. The individuals concerned in it are mere agents, and the principals are the two Governments. It is not, for the present purpose, material to inquire in whose favor this question ought to be decided. As to the nations engaged in it, they are mere instruments; and if they can be made subject to municipal law, the question ceases to be a public and political one. It then becomes a mere private matter between the Government invaded and the persons invading; and thus every invasion by an independent Government may be treated as authorized, or entirely lawless, at the option of the invaded state, and the actors in it treated as prisoners of war, or as pirates, robbers, or murderers, as may then best fit the Government who has taken them. It surely cannot be necessary to add that such a principle is as unjust as it is unsupported by authority.

Such are the grounds on which the doctrines set forth in the documents referred to rest. It is believed that they are solid, and cannot be shaken: It is believed, also, that the opposite doctrines would tend greatly to increase the evils of war, and introduce again practices which have been long exploded as unjust and barbarous by that whole family of civilized nations. If personal liability of officers and soldiers is enforced in the courts of law for acts done under national authority; if they are to be treated as criminals, and punished as such; and especially, if this be lawfully done by the authority of a State Government, which is irresponsible to the foreign Government, and without the power of declaring war or making peace, then shall we be driven back to the practices of the most barbarous nations, and the ameliorated code of international law cease to exist.

A reference to the analogies and authorities bearing upon the point now under consideration will finish what I have to say upon it. To constitute piracy, the aggression must be committed without the authorization of any lawful acknowledged Sovereign. Therefore, it is said, whether one be a pirate or not, depends upon the fact whether he has or has not a commission to cruise; Bynkershoek, chap. 17. If he acts under lawful authority, the acts done in pursuance of it is not piracy. So also in relation to reprisals, which are a means of redress, to be used only in case of a denial of justice. They are an authorization granted by a Sovereign, to take the persons and goods of another Prince for an injury committed upon his subjects, for which justice has been denied by the Sovereign of the offending party, and are general as well as particular. The general authority under which the acts are done that relieves them from the charge and punishment of piracy. If such authority exists, will it be claimed that the individuals acting under it can be punished as malefactors? It has been urged that a supposed distinction between acts done in a state of war and in a state of peace has not been sufficiently attended to. But it is necessary, to exonerate individuals from personal responsibility, when acting as part of a military force under the orders of an acknowledged government, that war should have been declared, or hostilities have been commenced, previous to the acts complained of; for me answer these questions by another inquiry. Suppose McLeod had been tried on the 22d of March, and found guilty, and sentence of death had been passed upon him, and he had been executed; and immediately upon this being known by the commanders of the British squadrons on the West India and Halifax stations, they had entered, with their squadrons, the port of New York, and attempted to burn and destroy that city, peace under the orders of the Queen's Government, and they had been captured, would the officers, sailors, and marines have been liable to be tried as murderers or robbers, and executed? And yet, in such case, there could have been no demand for redress, and no declaration of war. It would have been an isolated act of hostility. The direct authorities bearing upon the rule of public law, have been referred to by the Senators from Virginia and Massachusetts. There are some which I will merely cite, but not read. Vattel, 223, 359, 363, 444. Rush, 127, 128, 135. Puffendorf, 52. The authority read from Vattel, supposed to be opposed to the doctrine admitted by the Secretary of State, has been commented on by other gentlemen. I will not refer to it, except to say, that it seems to be quite evident that it sustains rather than opposes that doctrine. A single quotation from Rutherford, which I think very much in point, is all which I shall read.

"The members of a civil society are obliged in general, and those members that have engaged themselves in the military service of it are obliged in particular, to take up arms and to fight for it, at the command of the constitutional governors, in the defense and support of its rights against its enemies from without. The reason by which the subjects in general, or the soldiers in particular, lay themselves under these obligations, is the only act that can, by the law of nations, be looked upon as a personal act of the individuals who bear arms. In consequence of the general consent of mankind to consider nations as collective persons, whatsoever is done by the members of a nation, at

the command of the public, or of the constitutional governors, who speak the sense of the public, is the act of the nation; and if the act is unjust, the guilt, in the view of the law of nations, is chargeable upon THE NATION, NOT UPON THE INDIVIDUAL MEMBERS." "And if he was to fight as an independent individual, at his own choice and upon his own motion, those against whom he fights might look upon the act of bearing arms against them in such a war as a personal crime. But when they, with all mankind, have agreed to consider the several members of a civil society only as parts of a collective person, that act under the direction of the common will of such collective person, however inexcusable a man, who fights against them, might be, in the view of his own conscience, or of the law of nature, which considers him as an individual, they cannot, consistently with the law of nations, charge him with having been guilty of a personal crime merely on account of his having fought against them." "The law of nature, applied to individual persons, would make it a crime, not only in the view of conscience, but likewise in the view of mankind, to fight in an unjust war. But when mankind have agreed to keep individuals out of sight, as it were, and to apply this law only to collective persons, they cannot, consistently with this agreement, charge the parts of these collective persons with any separate guilt for what is done under the direction of the common or collective will." "In the less solemn kinds of war, what the members do, who act under the particular direction and authority of their nation, is, by the law of nations, no personal crime in them; they cannot therefore be punished, consistently with this law, for any act in which it considers them only as the instruments and the nation as the agent."

In what I have said on the general subject of the rule of international law, it has been very far from my intention to intimate that the British government is not to be held responsible for the unlawful act committed by its authority; on the contrary I have said, and I repeat, that I do not believe any necessity existed for the destruction of the Caroline which can be justified upon the rules of national law.

If such necessity did exist, it is for the British government to show it. So far as is now known, I think the opinions heretofore expressed by this government in regard to the real nature of the transaction, viewing it as a most unjustifiable invasion in time of peace of the territory of the U. States, are correct. These matters, however, are now before the two governments. The views of this in relation to them are known to that of England, and an answer from the latter is expected. With these matters the question as to the exemption of McLeod from personal responsibility is not necessarily connected. The latter is a point depending upon the rules of public law, as applied to independent nations; and while the exemption of the national act may shield the individual from personal liability, the nation authorizing it will be held to a just responsibility.

Having said all which I deem it necessary to say on the question of public law, I proceed to consider the other topic which the senator from Pennsylvania introduced, and on which he bestowed much attention. I refer to the charge or complaint against the Secretary of State for acting, in reference to this correspondence, in a manner not creditable to the American character, and for not manifesting sufficient energy and American spirit. This, if it be well founded, is no trivial charge. It is one which affects men who have done the country some service, and whose reputation and character are the property of the nation. I propose to examine the nature and justice of this complaint, and I think it will appear to be wholly without foundation. The Senator could excuse the Secretary of State for the minor offence of admiring, in favor of Great Britain, a principle which had no foundation in the law of nations. This, compared with the complaint to be considered, was, he said, a "small affair," and that he felt constrained as a senator of the United States, from a proper regard to the American character, to comment upon the correspondence of the Secretary, particularly the instructions to the Attorney General. The Executive Administration is condemned by him, both in respect to the tone and spirit of the reply to Mr. Fox, and to its interference with the local authorities of the State of New York, through the agency of Mr. Crittenden. Several particulars are mentioned under these general heads of complaint. Before referring to them, I would leave to ask the senator what would he and his friends have done in the circumstances in which the administration was placed when these documents were written? If they had been in power, would they have folded their arms, and said and done nothing? Or, in reply to Mr. Fox, have said, McLeod is in the custody of the law; we cannot and will not interfere; he has been taken within our limits, and if guilty, ought to be hung as a murderer? Would they have stood justified to the nation if such had been the course of action, and war had ensued upon the condemnation and execution of McLeod? If the President had acted unwise and in a manner not creditable to the American character, by reason of the want of energy and spirit, what should he have done? It is easier to find fault with an act which has been done than to point out what should have been its substitute. And I should be pleased to hear the Senator's views as to the duty which was imposed upon the American Government after receiving the despatch from Mr. Fox, and the reply which should

have been made to it, and the probable result of such reply.

But the senator says there was a great panic got up in England, which extended to this country; so great that a part of the American squadron in the Mediterranean returned home. And from this I suppose it is to be inferred that, under the influence of this panic, concessions were made as to principles of public law, and a spirit of fear manifested not creditable to the American character. If there were any such panic in England, it is quite clear that it could not have had its origin in any act or declaration of the present administration. It must have proceeded from causes existing before the 4th of March last; and for it this administration are not responsible. Perhaps too the agitation which grew out of this affair of McLeod at the time referred to may have arisen from an unfounded apprehension that what was considered a well-settled principle of international law might fail of being enforced; but for this none connected with the executive could be responsible.

As to any panic here since the 4th of March, it is the first intimation I have heard even of its existence; and it will require very strong proof to convince the people of this country that the deceased President or his successor, or any of his cabinet, participated in it, if it did exist. Indeed, when their proceedings are examined with reference to the attending circumstance, (to which I shall refer hereafter,) it will be quite obvious that, so far from being under the slightest influence of an unreasonable apprehension of hostilities, the Executive administration took high and commanding ground in support of American rights and honor, and while they rendered justice to Great Britain, upheld in a manly and patriotic tone the rights of their own country. As to the return of the Brandywine, we are informed by the Secretary of the Navy that it requires some explanation. From despatches sent to the department by Capt. Bolton, of that ship, it appears that the great excitement prevailing in England induced our Minister at that court to address a communication to Commodore Hull, the officer commanding the U. States naval forces in the Mediterranean, the result of which was, that the squadron then lying at Mahon left the station with a view to get out of that sea, ascertain the state of things between the United States and Great Britain, and either resuming their station or return home according to the result. Whatever of blame (if any) attaches to the sudden return of the frigate to our shores, it surely cannot be justly chargeable to the present administration. Whenever the proceedings connected with this subject are brought before the public, it will be found, I think, although I do not speak authoritatively, that her departure from her station, and her return home, were the result of communications made by our minister at the court of St. James, and which possibly may have been precipitated upon a report made at the time of the trial of the *Caroline* by one of its committees, and which I will not stop here to characterize. For neither of these productions does any responsibility rest upon those who are now at the head of the Executive department of the Government. They proceeded from the friends and supporters of the late administration, and if they had the effect to produce a great excitement among the people of England, and to cause our armed vessels to leave their stations, and the commerce of the country these unprotected, the consequences belong to the authors of the mischief, and not to those who had no agency in the transaction.

Another ground of complaint against the Secretary of State is, that he took no notice of what the Senator is pleased to call a threat by Mr. Fox in his note to Mr. Webster, and which, as soon as he read it, led him to resolve to bring it before the Senate. The objectionable language is, after repeating the demand for the release of McLeod upon the grounds and for the reasons previously stated, "and her majesty's government entreat the President of the United States to take into his most deliberate consideration the serious nature of the consequences which must ensue from a rejection of this demand." If this be the language of men, it is not more than is often used towards the most sensitive nations, and public functionaries, and which has not been thought to require animadversion or even notice. My friend from Virginia (Mr. River) stated to the Senate while holding the highly honorable and responsible trust of minister at a foreign court remarkable for its high sense of honor, which would be peculiarly sensitive should there be the most remote allusion to a threat or menace, he deemed it his duty to use language strong and decided, but courteous, and respectful, and as open to the objection of menaces as that of Mr. Fox; but it was not considered offensive, and not treated as approximating to a threat. So, also, similar language was used by Mr. Fox, in his previous correspondence with Mr. Forsyth, which did not, so far as I know, excite any particular sensibility. It is to be remembered, also, that the words of the British minister are to be taken in connection with those which preceded, and it does not necessarily follow that any thing more was intended than to call the attention of the President to what might be the result (other than war) of denying a principle of international law, believed by his government to be well-established and reasonable. Upon the application of this principle to the case of McLeod, that government insisted, appealing to the nature of the consequences which might follow its denial; and was it for our government to say that Great Britain was not serious in this demand, or that she was attempting to enforce it by measures and threats? Did any necessary

exist requiring the Secretary of State to regard it in such an aspect? Was he bound to say that the language implied a threat? I am sure the slightest examination of the correspondence will show that our government was not required by any principle of public duty necessarily to infer that Mr. Fox designed, by the language he used, to intamate that an appeal to arms would follow the rejection of the demand for the release of McLeod.

The senator says that common prudence required that the Secretary of State should not have admitted so strongly and decidedly the correctness of the rule of international law, as claimed by Great Britain. I am sorry the Senator made this suggestion. This nation is distinguished for its readiness to accord equal and entire justice to other nations. While it is equally its duty and determination to assert and maintain its own rights, it means scrupulously to refrain from infringing on the rights of others. It does not mean to deny to any nation the benefits of the well-established rules which govern the whole family of nations. Now what should the Secretary of State have done, acting under the settled conviction that the rule of international law was well established to be shaken or doubted; that individuals, forming part of a public military force and acting under the authority of a legitimate acknowledged government, are not to be held responsible individually for the consequences of their acts? Should he have pursued the course which would seem to be indicated by the nature of the complaint made against him—have spoken doubtfully as to the existence of this rule of public law? Should he have partly condemned and partly admitted it? Should he have shuffled and evaded, and neither acknowledged nor denied its existence? Would this have comported with the honor and dignity of the American character? I trust no such views as those entertained by the Senator on this subject will ever prevail in the councils of this nation. I do not believe they will. The policy recommended is of a character which will be productive of no good. If our government is satisfied that the principle of the law of nations, as claimed by a foreign government, is undoubtedly, it will say so frankly and unreservedly. It will not desire to evade the point presented by doubt or denying the principle. No motives of prudence will ever influence it to adopt such a course. It will never seek to maintain its interests at the expense of its character for manly frankness. It will be just to all, regardless of consequences.

But, it is said, there is much to condemn in the instructions to the Attorney General. It is insisted that he should not have been sent on the business connected with the trial of McLeod; that the latter was before the regular legal tribunals of the state of New York for trial, and no necessity existed for any interference on the part of the national government. The trial of McLeod, it is said, did not have been suggested that we might not have been in the courts of the United States a *nolle prosequi* would be entered; that counsel for the accused should not have been ordered to be procured; and the senator inquires that possibly a bill for counsel fees in this case may hereafter be presented against the United States; and that, from his knowledge of the character of the Attorney General, he inclined to think that the mission was not a very agreeable one to him. Now, I can hardly believe that the senator supposes that such a bill for fees will be presented for payment to the Congress of the United States; and I dismiss that point without further comment. As to the mission of Mr. Crittenden being unpleasant to him, I venture to say he speaks without authority; and I will add, that I believe, so far from its being one which he disliked, that he entirely concurred in its propriety, and, from my knowledge of him and his high character, that the views expressed in the letter of instructions to him met his entire approbation. The Secretary of State does say that if the indictment were pending in one of the courts of the United States, the President would have directed the entry of a *nolle prosequi*; and this is deemed worthy of animadversion. But what reasonable ground of complaint does this declaration of Mr. Webster furnish? If the law of nations protected McLeod from punishment, why should he be tried? If the avowal of his act, as an act of the government, discharged him from personal responsibility, in what more proper, speedy, and effectual way could he have the benefit of than the one mentioned? Would it have comported with what this government deemed to be its duty to a foreign nation to have permitted a trial to be had when punishment could not follow? Was the face of a legal investigation to be got up and pursued, when no practical result connected with such investigation could be attained? If, then, the indictment had been pending in a court of the United States, the entry of a *nolle prosequi* would have been not only proper, but the most speedy and effectual mode of giving effect to a clear principle of public law. But the Secretary well knew that the President had no power to arrest the proceedings in the civil and criminal courts of the state of New York. So far, therefore, from intimating a course to be pursued by the Executive of that state, he says the government is not informed whether the Governor of New York has the power of ordering a *nolle prosequi*, or, if he has, whether he would test it his duty to exercise it. And no instruction is given to the Attorney General to interfere with the proceedings pending in the courts of that state. Nor is any thing in the nature of a menace, nor even in the way of advice to the authorities of the state in relation to the indictment, suggested. The Secretary leaves the subject

master where it is, in the hands of the constitutional authorities of the state—remarking in the course the President would have adopted were the proceedings pending in the judicial tribunals of the United States, but not intimating that the Governor of New York could or ought to do the same, and adding what the law of nations sanctions as just and reasonable.

It is to be observed that the language used by the American character, if he had not been retained; his defense was overruled, that it was the wish of the Government that the proper steps should be taken for the immediate removal of the case, by writ of error, to the Supreme Court of the United States. This was all which the President directed.

It is, however, urged that this government

should have refrained from doing any thing connected with this indictment and the proceedings under it; that it should have remained passive, and have suffered them to progress and terminate, with doing an act, or speaking a word, or writing a sentence having relation to them.

I will be well, in examining this objection to the course pursued by the Executive, to look at the condition of things existing at the time when the instructions were given to Mr. Crittenden, and to the actual state of the matter, as it then appeared and in fact was. The present Administration came into power on the 4th of March. That which preceded had slept on the affair of the *Caroline* for eighteen months, hearing nothing concerning the reparation which was required, and not repeating any demand for it.

All was still and quiet as the silence of the grave. Indeed, so long an interval had elapsed, that it seems, the British government supposed that ours would not again refer to the subject. But, upon the 12th of March, the attention of this government is called to the arrest and imprisonment of McLeod, and a formal demand is made for his release, on the ground that the transaction of a public character, planned and executed by persons duly empowered, by the colonial authorities of the Queen of Great Britain, to take any steps and to do any acts which might be necessary for the defense of her majesty's territories, and for the protection of her Majesty's subjects; and therefore the act of McLeod, being an act of public duty, was one for which he could not be personally and individually answerable in the tribunals of the United States. It is on the 12th of March that the British government recognises the attack on the *Caroline* as having been made by its authority. McLeod was in prison at New York, under an indictment for murder, for participating in this attack. It was expected his trial would take place on the 23d of March, a very few days subsequent to the avowal of the act as a national act, and done under the authority of the Queen's government. The trial was to be in a county where the public mind was much agitated and excited. Much agitation also existed in England in consequence of what had taken place here while the former administration was in power. This government had recognised the principle of public law, that an individual forming a part of a public force, and acting under the authority of his government, could not be held responsible for a private trespass or malefaction. Every motive growing out of its honor and duty required it to use all its constitutional power to preserve this principle inviolate; for it was this Government, and not that of the state of New York, which was to be responsible for its refusal or omission to do what it could with propriety do to give the prisoner the benefit of this rule of public law. What, then, should be done to meet these circumstances?

I believe I have now referred to all the particulars—the specifications of complaint which have been suggested by the Senator. Having commented upon each of them, I draw from them all this inference that they manifested a spirit not creditable to the American character, involving a want of sufficient energy, and the absence of American spirit. Let me, then, briefly refer to them, and inquire whether these complaints have any just foundation?

The Secretary did not refer, in suitable language, to an implied threat. There was no obligation to consider the language as conveying any such threat or menace.

He should not have admitted the rule of public law in such a decided and explicit manner. Neither honor nor manly frankness required him to express any doubt upon a point of international law which was sustained by every principle of sound reason, and by every modern writer on the law of nations.

He should have abstained from sending the Attorney General to the state of New York to perform the acts specified in his instructions.

And what were these acts? To furnish McLeod with the evidence of the recognition of his act by his own government. This was just. The British government had no communication with the authorities of the state of New York. Their avowal was to the government of the United States. No principle of public policy can overrule the great principle of justice, which demanded of this government that they should not withhold from an individual arraigned for murder evidence in its possession which he deemed essential for his defense. The Attorney General was to see that McLeod had able counsel. Was it derogatory to the character of the government, or evidence of fear, that it was desirous that an individual whose discharge had been demanded of it, under the law of nations, should have the benefit of skillful legal advisers? Was it the opposite of American spirit and energy, that the government of the United States should wish, under such circumstances, that the individual who could not be released from confinement under judicial process otherwise than by judicial process, and in a manner conformable to legal principles and the course of practice in courts of justice, should enjoy the advantage of professional men to aid him in their judicial proceedings? The Attorney General was to suggest to the counsel for the prisoner that the President was impressed with the propriety of transferring the trial from the scene of the principal excitement to some other and distant county. Appealed to as the President had been for the release of McLeod, was it strange that he should be anxious that he should have a fair and impartial trial? Is this anxiety the result of fear of the power of Great Britain? Does it manifest a disposition to yield to threats and menaces? Is it discreditable to the American character that its Chief Magistrate should wish that justice should be fairly and impartially administered? The Attorney General was to signify the wish of this government that a writ of error should be brought from the decision of the court of the state of

New York to the Supreme Court of the United States, if that decision was adverse to the immunity claimed by the prisoner under the law of nations. How proper and suitable was the course thus proposed to be taken. The government of the United States, alone responsible (if responsible at all) to foreign governments for any infraction of public law, was desirous of having the opinion of its own judicial tribunal upon the question of such infraction, should it become necessary by the adjudication of the state court. Surely, the manifestation of such a desire was very far from evincing a spirit of servile fear, or the want of proper energy. It was intended to express the opinion of the President, that the prisoner was entitled to the opinion of the Supreme Court, if necessary, and that the Executive deemed it proper that such opinion should be obtained in the form prescribed by law. Now, I inquire whether, in any of these proceedings, considered separately, or in all conjointly, there is manifested any thing except an ardent desire that this government should act justly and perform its duty according to the acknowledged principles of international law? And yet, the late President, the present President, and every head of department, stands charged with being wanting in energy, as not evincing an American spirit, and acting in a manner discreditable to the American character.

Mr. President, the American people will cast no such stigma upon the character of the illustrious dead, or the honored living. This reproach will be repudiated by the great body of the freemen of this nation. This magnanimous people will continue to be, as they ever have been, just to all nations, but jealous of their own honor, and ever ready to vindicate their rights. Instead of treating an authorized invasion of their territory as the wanton, lawless act of an obscure individual, and looking to his execution as a masterpiece, as a reparation for the insulted honor of the country; they will hold the nation which avows it—the principal in the act—the nation by whose order and under whose authority it was done—responsible. And while such an individual as now fills the Executive chair is their President—while such men as now constitute his Cabinet are his constitutional advisers—while a Congress exists which knows what are the rights of the nation, and, knowing, will sustain and defend them, this great nation will hold the authors of wrongs done to her to a just responsibility, and maintain her integrity, her honor, and her rights, unsullied and unimpaired.

Twenty-seventh Congress. EXTRA SESSION.

IN SENATE.

Monday, June 28. In the Senate no business was done except to concur in the resolutions of the House in testimony of respect to the memory of Gen. Macomb.

Tuesday, June 29. The Senate resumed the consideration of the resolution submitted by Mr. Buchanan, calling for the names of the persons removed from office, when

Mr. McRoberts rose and occupied the Senate until the hour for taking up the special order.

On motion of Mr. Clay, the Senate then proceeded to the consideration of the bill to incorporate the subscribers to the Fiscal Bank of the United States.

The bill was amended in several particulars, the most of which were warmly debated by Messrs. Clay, Huntington, Buchanan, Wright, Woodbury, Walker, Bayard, Calhoun, Barrow, Simmons, and others.

At half past 3 o'clock its further consideration was postponed, and the Senate went into Executive session.

Wednesday, June 30.

Mr. Tallmadge said he was requested by a most respectable and intelligent committee of the Board of Trade of the city of New York to present a petition of from fifteen to twenty thousand citizens of that city, for the establishment of a *National Bank*.

Mr. T. said he was authorized to say that, although the great portion of the petitioners were friends of the present Administration, there were still a great many names of those who belong to the other party; and that the number of petitioners, by taking a little more time, could have been increased to thirty thousand. It is believed that there is not the name of a single individual to that petition who is not a legal voter. They are of the business and working portion of the community. And Mr. T. had no doubt that a decided majority of the people of New York were in favor of a National Bank. He did not, at this time intend to occupy the time of the Senate on this subject. If he should deem it necessary to say any thing further, he would take an opportunity when the bank bill was under consideration.

The Senate then took up the resolution submitted by M. Buchanan, calling for the names of all persons removed since the 4th of March last, pending to which is the amendment of Mr. Mangum, calling, in addition thereto, for all the removals from the 4th of March, 1829, to the 4th of March, 1841.

Mr. Mangum spoke of the time already wasted in profitless discussion on the subject, it having already been before that body for a week. If gentlemen really desired the information, they could have obtained it, with a great deal more, by admitting the amendment. But the real object appeared to be to occupy the time of the Senate in uttering philippic and denunciation against the present Administration. As he had no disposition to

waste the time of the Senate, he would move to lay the subject on the table.

Mr. Pierce asked the Senator to withdraw the motion.

Mr. Mangum said he would if the Senator would renew it.

Mr. Pierce would not agree to do so, as he did not desire to clog his friends.

Mr. Preston appealed to the Senator to withdraw the motion. He was then himself for the exercise of the most liberal indulgence in all matters relating to the right of speech. He thought it would be better to let the debate proceed, than give Senators on the other side cause for complaint that they were not allowed to be heard.

The motion to lay on the table was withdrawn. And

Mr. Pailes commenced his remarks, and spoke up to the time for taking up the special order, without having concluded.

The Senate then proceeded to the discussion of the special order being the bill to incorporate the subscribers to the Fiscal Bank of the United States.

HOUSE OF REPRESENTATIVES.

Friday, June 28.

Mr. Adams, by unanimous consent, from the select committee appointed on the subject of the removal of the remains of the late President of the United States, reported the following resolutions:

Resolved, That on Saturday next the remains of William Henry Harrison, late President of the United States, be removed under the superintendence of a committee of both Houses of Congress, from the Congressional Burial Ground, and accompanied by such committee and the delegation from Ohio to the line of the District of Columbia.

Resolved, That when the two Houses adjourn, they adjourn to Monday next.

The resolutions were unanimously adopted, and were sent to the Senate for concurrence.

The House resumed the consideration of the resolution offered by Mr. Floyd, modified as follows:

Resolved, That the President of the United States be requested to inform this House whether any officer of the Army or the Attorney General of the United States has, since the 4th of March last, been directed to visit the State of New York for any purpose connected with the imprisonment or trial of Alexander McLeod; and whether, by any Executive measures or correspondence, the British Government has been given to understand that Mr. McLeod will be released or surrendered; and, if so, to communicate to this House copies of the instructions to, and report of, such officer.

Mr. Cushing having concluded his remarks, was followed by Mr. Wise. In the course of his remarks Mr. Wise said:

"But, in the second place, the advocate of this resolution (Mr. Ingersoll) has put it out of my power, were I so disposed, to vote for it. He has accompanied its introduction with such a course of remarks that its adoption could not be considered as anything short of an implied censure upon the present Secretary of State for the positions which he has assumed in relation to this affair. Seeing nothing to censure and every thing to approve in the conduct and correspondence of both the present and last Secretaries touching this whole case, I shall avoid the least implication of the censure which I consider involved in an affirmative vote on this proposition. Mr. Forsyth has been attacked by nobody, and therefore needs no defence. What has Mr. Webster done in this matter, since the honor and interest of the nation have been confided to his care, to draw down upon him, directly or indirectly, the censure of this House? Why, sir, on the 12th day of March, 1841, Mr. Fox, "in the name of the British Government," demanded the immediate release of Mr. Alexander McLeod."

This is my view of this case. The Secretary has my thanks, and shall not have my censure. I have confidence, full confidence, in his American heart and American head to maintain the honor and interest of my country, and its present Administration, in controversy with any foreign power; and as long as he maintains both, as he has in this instance of McLeod, that confidence shall be gratefully continued.

Mr. Tillinghast next took the floor; but the morning hour having expired, the house went into committee of the whole on the state of the Union, and took up the Distribution and Pre-emption Bill.

Mr. W. C. Johnson addressed the committee at some length, but without concluding gave way for the committee to rise.

The house then again resumed the consideration of the resolution of Mr. Floyd, and the debate was continued by Mr. Tillinghast, Mr. Holmes and Mr. Gordon.

A motion was then made to lay the resolution on the table, but failed—yeas 51, nays 105.

The resolution was then adopted, and the house adjourned until Monday.

Monday, June 28.

The Hon. Henry Black, representative elect from the State of Pennsylvania, (vice Hon. Charles Ogle,) appeared and took his seat.

The House then passed resolutions in testimony of respect to the memory of Gen. Macomb; and adjourned to attend his funeral.

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On motion of Mr. W. C. Johnson, the House resolved itself into Committee of the Whole on the state of the Union (Mr. Lawrence, of Pennsylvania, in the chair) on the bill to appropriate the proceeds of the sales of the public lands, and to grant pre-emption rights.

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DEATH OF GEN. MACOMB.

Major General Alexander Macomb, Commander-in-chief of the Army, died in Washington on Friday the 16th ultimo. He was a brave and faithful officer, and acquired his highest distinction in actual war at the battle of Plattsburg. His funeral was attended with the solemnities due to his distinguished rank and service.

means otherwise than to be decorous, respectful, and just in her demands. This was almost a matter of course; quite a matter of course, unless gross and palpable injury insult, was injured, which could not be brooked without instant and indignant resentment. It was due to ourselves no less than to Great Britain, whom we had taught to respect us, to say: "You cannot possibly mean disrespect to us, or to demand more than what you think lawfully right; and we will, therefore, respectfully examine your claim and proceed to dispose justice to you." This course was magnifying ourselves, and holding the magnificence of Mr. Fox; it was truly "patronizing his wrath," and well, very well, done.

But, in the second place, Mr. Webster tells Mr. Minister that if the demand of Her Majesty's Government meant more—to require the Federal Executive to usurp judicial power, to interfere with the course of municipal judicatures, to interrupt justice in the forum, to obstruct the authority of the courts of law under criminal or civil process, or to violate the rights of the state of New York—it meant something which could not have been expected from either government, and something "to which this Government cannot accede." And this Government does not accede to any such demand.

The President calmly tells us in his message, dated long since the letters both of Mr. Fox and Mr. Webster, "it may be proper to state that Alexander McLeod has been heard by the Supreme Court of the State of New York, on his motion to be discharged from imprisonment, and that the decision of that court has not yet been pronounced." The demand, then, in any and every offensive sense, has been both theoretically and practically refused.

And thirdly, sir, so far from crouching or succumbing, in a way to tempt aggression, when Mr. Fox avows "it was England, Mr. Secretary, and not Mr. McLeod," Mr. Webster does not, like a coward, select the weaker adversary, the poor individual, but replies: "Ah! very well, Mr. Minister, I now understand you. If England assumes the responsibility, I readily admit that 'individuals ought not'—he does not say *shall* not be—ought not to be held personally responsible;" and the President presumes that this can hardly be necessary to say that the American People, not distrustful of their ability to redress public wrongs by public means, cannot desire the punishment of individuals, when the act complained of is declared to have been an act of the Government itself." We therefore take you at your word, Mr. Minister, and hold England responsible. We will leave the courts of justice to deal with Mr. McLeod—ay, even send our Attorney General as *amicus curiae*, to advise the court to discharge him, if you choose. The United States will deal with England." Nothing could be more proudly gallant and generously brave; and he mistakes the point of chivalry much, who would cause a true knight for seeking a foeman worthy of his steel."

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THE ANNIVERSARY OF AMERICAN INDEPENDENCE.

Thursday, July 2.

The Anniversary of American Independence was celebrated in this place on Saturday last, in a style befitting the occasion. At early dawn the bells of the place gave out their joyous peals; and several discharges of ordnance gave notice that this hallowed day was still remembered with all pristine devotion. The day was observed by the citizens of the town in conjunction with the Hillsborough Debating Society. At 11 o'clock, at the ringing of the Town bell, a procession was formed at the court house under the direction of Col. David Parker, (who had kindly consented to act as Marshal of the Day,) in the following order:

Music,
Citizens Generally,
Members of the Society,
Clergy.

Orator and Reader.

They were then marched to the Masonic Hall; where had assembled a large number of Ladies, [we shall not deal here in complimentary epithets, for our Ladies do not need puffing,] who, we were pleased to see, honored the occasion with their presence.

The exercises at the Lodge were opened by a prayer to the Throne of Grace, offered up by the Rev. ROBERT BURWELL. Mr. JAMES COLLINS, who had been selected by the Society as the Reader of the Declaration of Independence, after some very appropriate introductory remarks, performed that duty in a clear and distinct tone of voice.

The Oration was then pronounced by Mr. GEORGE W. REEVES, also a member of the Society, in a graceful and highly creditable manner. All whom we have heard speak of the Oration, speak in terms of high commendation.

After the benediction, the members of Society, and those who were to partake of the Dinner with them, repaired to the Union Hotel, where Major Palmer had served up in first rate style a bountiful supply of the delicacies of the season.

We forbear entering into a minute description of the different dishes served up, out of regard for our friend Syme of the Petersburg Intelligencer; for we would spare him "the feelings of Tantalus," as he could not partake with us.

Thomas Clancy, esq. acted as President of the Day, and Henry K. Nash, esq. as Vice President.

After the cloth was removed, a huge tub of lemonade was brought on the table; and the glasses being filled, the following Regular and Volunteer Toasts were drunk with zest and animation:

REGULAR TOASTS.

1. WASHINGTON—"First in the hearts of his countrymen," and worthy to be remembered first on this occasion.

2. THE DECLARATION OF INDEPENDENCE—"Dear to us for the sacrifices made to maintain it, but dearer for the principles it contains.

3. THE MEN OF THE REVOLUTION—"Those who have fallen around us like the leaves in Autumn, and the last vestige of their mortal remains has well-nigh been swept from among us, their memory will rise in perpetual Spring."

4. THE CONSTITUTION OF THE UNITED STATES—"The *chef d'œuvre* of political Architects; may it ever be esteemed a model for builders in after times.

5. THE UNION OF THE STATES—"The only safeguard against a foreign enemy, and the best security for peace within."

6. NORTH CAROLINA—"Her Declaration at Mecklenburg in '75, and the proceedings of her Congress at Halifax in '76, loudly proclaim her devotion to the principles of the National Declaration.

7. EDUCATION—"The handmaid of Liberty and Virtue."

8. INTERNAL IMPROVEMENTS—"Give us a judicious system of Improvements, and North Carolina will rank, as she should rank, among the first of the states.

9. THE UNIVERSITY OF NORTH CAROLINA—"Founded through much difficulty, and now the pride of the state—may it continue to prosper."

10. THE HILLSBOROUGH DEBATING SOCIETY—"The offspring of a desire to better the intellectual and moral condition of our town—may it ever flourish."

11. THE PRESS—"The great desideratum in ancient times for the preservation of liberty—we will ever cherish it as the palladium of our liberty."

12. THE ARMY AND NAVY OF THE U. S.—"With the remembrance of their valor in the Revolution and the War of 1812, we shall never fear the aggression of a foreign foe."

13. THE FAIR SEX—"May we love whom we please, and please whom we love."

14. THE HILLSBOROUGH DEBATING SOCIETY.

THE ANNIVERSARY OF AMERICAN INDEPENDENCE.

By the President of the United States.

Major General Alexander Macomb, Commander-in-chief of the Army, died in Washington on Friday the 16th ultimo.

Major General John Taylor, Jr. esq.—The Signer of the Mecklenburg Declaration.

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NO. 1 CARDING MACHINE.

The subscriber will work at his Mills on
Beech Hill, five miles east of Hillsborough, the
growing season, three Machines and one Wool-
Picker, all in good order. They will be under
the superintendence of Mr. Samuel S. Clayton,
who is well known as an experienced and skill-
ful carder.

All who will prepare their Wool by washing
and drying on a scaffold, without wringing the
Wool, or letting the night dews on it, then
pick all the burrs, sticks, and hard substances
out, and card it with one pound of oil or clean
lard, to every ten pounds of wool, and bring
the same early in the season, shall have their
work well done.

Wool of different colours will be neatly mixed,
and bather's wool completely broke.

THOS. W. HOLDEN.

May 25.



VERY CHEAP!!

WE are now receiving from New York and
Philadelphia, a handsome assortment of
Spring and Summer
GOODS,

which have been bought cheap, and will be
sold cheap.

This purchase was not made by order, but
by one of the subscribers, we therefore think
we are able to show a stock that must please
our friends and customers wishing to treat
themselves.

They have still on hand a good
assortment of

NOTICE.

THE undersigned would respectfully
inform their friends, and the public
generally, that they intend to withdraw
from the Mercantile business; they would
therefore request those indebted to them,
to call and close their accounts by Cash
or Note.

They would also avail themselves of
this opportunity of expressing their sincere
thanks for the very liberal support
given them whilst in business.

They have still on hand a good
assortment of

Dry Goods,

and other articles in their line, which
they wish to dispose of for cash, or on a
short credit to punctual dealers.

MICKLE & NORWOOD.

March 3.

NEW GOODS.

THE subscribers have received and offer for
sale at their Store House, one mile north
of Cross Roads Meeting House, a fresh and
desirable stock of Seasonable Goods, consist-
ing in part of the following articles:

Common and Fine Blue Cloths, Invisible
Green do.

Cassimeres and Satins, Black Silk and Satin Vestings,

Marseilles, Printed Linen, Jackonet and French Muslin,

Chaleys, plain and striped Gingham, Figured, striped and plain Light Silks,

Black and blue-black Bombazines,

French, English and American Prints,

Stockines, Drilling and Gambroon,

Fashionable Bonnets and Wreaths,

Plain, Figured, Swiss and Chequered

Muslin, Danishes and Bird-eye Diaper,

Irish and Brown Linens, Brown Holland, and Linen Drilings,

Georgia Nankin, Cadet Cassimeres, Worked Collars, Edgings and Insertings,

Florence and Straw Braid Bonnets, Hoods, Flowers, Bonnet Ribbons, &c.

ALSO,

Beaver Fox, Brush, Lughorn and Palm-leaf HATS.

Ladies' fine Kid Slippers, and Men's Pump and Shoes.

500 pounds Cotton Yarn.

Books, Paper, and Paper Prints,

Mayland's Scotch Snuff,

Manufactured Tobacco and Cigars,

Fancy and Bar Soap,

and many other articles.

ELI MURRAY & CO.

May 5.

71-6m

Just Received and for Sale,

D. R. PETERS' Anti-Bilious Pills.

Dr. Beck's Anti-Dyspeptic Pills.

Dr. Phelps' Anti-Bilious Tomato Pills.

Dr. Sherman's Cough Lozenges.

Dr. Sherman's Worm Lozenges.

Dr. Sherman's Poor Man's Plaster, for
pains in back and breast.

Dr. R. S. Bernard's Cholera Syrup.

W. W. Gray's Invaluable Ointment.

Harrison's Specific Ointment.

Also, BACON, MEAL & FLOUR.

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